

AGENDA MEMO

CITY COUNCIL MEETING OF: DECEMBER 2, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-35838 - APPLICANT: MUNDO, LLC - OWNER: WMCV
PHASE 1, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. No gaming machines shall be allowed.
2. Conformance to all Minimum Requirements under the Downtown Centennial Plan Parkway Center District standards for the Liquor Establishment (Tavern) use.
3. Conformance to the conditions for Rezoning Z-0100-97 and Site Development Plan Review Z-0100-97(3).
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant requests a Special Use Permit to add a proposed Liquor Establishment (Tavern) use within an existing 6,521 square foot restaurant at 495 South Grand Central Parkway, Suite #116. The request includes waivers to allow a 660-foot distance separation from an existing Liquor Establishment (Tavern) where 1,500 feet is required and an 885-foot distance separation from an existing Child Care Center where 1,500 feet is required. Staff can support the waiver requests, as the protected uses are separated from the proposed tavern use by the I-15 freeway. The use can be conducted in a manner that is compatible with the surrounding uses. Additionally, the Downtown Centennial Plan supports such uses in the context of a large mixed use development such as the one located on the subject site. For these reasons, staff recommends approval. If denied, the sale of alcohol would not be permitted on the subject site.

Issues:

- An ordinance to amend the Downtown Centennial Plan to add alcohol uses, including the Liquor Establishment (Tavern) use, to the list of permitted uses in the Parkway Center District will be adopted by the City Council prior to the public hearing on this item.
- Waivers of the minimum distance separation requirement from a similar use and from a child care facility licensed for more than 12 children are requested.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
11/23/98	The City Council approved a Rezoning (Z-0100-97) from M (Industrial) to PD (Planned Development) on 178 acres including the subject property. The Planning Commission and staff recommended approval.
07/05/00	The City Council adopted Ordinance 5238, thereby adopting the Downtown Centennial Plan, which governs standards for the subject site.
05/16/01	The City Council approved a Site Development Plan Review [Z-0100-97(3)] for a proposed 1,000,000 square foot commercial development and a waiver of off-street parking requirements on the subject site. The Planning Commission and staff recommended approval.
06/15/05	The City Council approved a Master Sign Plan (MSP-6344) for World Market Center Phase I at 495 South Grand Central Parkway. The Planning Commission and staff recommended approval.
07/12/06	The City Council approved a Special Use Permit (SUP-13410) for the proposed on-premise sale of beer, wine and wine coolers at 495 South Grand Central Parkway, Suite #116. The Planning Commission and staff recommended approval. The SUP was exercised 07/19/06, but expired 11/07/08 after 180 days of inactivity.

10/18/06	The City Council approved a Major Amendment (MSP-15823) to a previously approved Master Sign Plan (MSP-6344) to add requirements for World Market Center Phase II. The Planning Commission and staff recommended approval.
11/07/07	The City Council adopted Ordinance 5945, which amended the periods after which a Special Use Permit may be terminated.
06/03/09	The City Council adopted Ordinance 6041, which amended minimum requirements for the Liquor Establishment (Tavern) use.
06/11/09	Planning and Development Department staff approved a Minor Amendment (MSP-34474) to a previously approved Master Sign Plan for sign additions at 455, 475 and 495 South Grand Central Parkway.
08/27/09	The Planning Commission recommended approval of a request (TXT-34880) to discuss and possibly act to amend the Parkway Center District standards of the Downtown Centennial Plan to allow certain alcohol-related uses, including a Liquor Establishment (Tavern). An ordinance (Bill 2009-42) amending Title 19 is expected to be adopted by the City Council on 11/04/09.
11/05/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #42/ss).
<i>Related Building Permits/Business Licenses</i>	
08/19/94	A business license (N16-00001) was issued for a child care center and preschool at 1617 Alta Drive. The license is still active.
09/22/04	A building permit (#04020063) was issued for a multitenant improvement on the first floor of the building at 495 S. Grand Central Parkway. The permit was finaled on 06/06/06.
06/17/05	A building permit (#05004109) was issued for a tenant improvement for a certificate of occupancy at 495 S. Grand Central Parkway, Suite #116. The permit was finaled on 05/01/06.
06/20/06	A business license (R09-01353) was issued for a Restaurant with 45+ seating at 495 S. Grand Central Parkway, Suite #116. The license was marked out of business on 05/01/08.
07/19/06	A business license (L09-00231) was issued for the on-premise sale of beer, wine and wine coolers at 495 S. Grand Central Parkway, Suite #116. The license was marked out of business on 05/07/08.
02/07/08	A business license (L16-00298) was issued for a tavern at 530 S. Martin L. King Boulevard. The license is still active.
05/07/08	A business license (R09-01450) was issued for a Restaurant with 45+ seating at 495 S. Grand Central Parkway, Suite #116. The license is still active.
07/01/08	Application for a building permit (B-TI-146612) was made for a tenant improvement for a café at 495 S. Grand Central Parkway, Suite #116. The permit was never issued.
11/18/08	A building permit (B-TI-128328) was issued for a tenant improvement for an office at 495 S. Grand Central Parkway, Suites #116 and 118. The permit was finaled on 01/02/09.

06/08/09	A business license (R10-00115) was issued for a food caterer at another location within the city. The location changed to 495 S. Grand Central Parkway, Suite #116 on 09/03/09. This license has not yet been issued as of 10/13/09.
07/17/09	A building permit (B-DEMO-143708) was issued for demolition in conjunction with a tenant improvement remodel of 495 S. Grand Central Parkway, Suite #116. The permit was finalized on 07/22/09.
07/17/09	A building permit (B-TI-143666) was issued for a tenant improvement for a remodel of 495 S. Grand Central Parkway, Suite #116. The permit was finalized 09/03/09.
08/11/09	A building permit (#145205) was issued for a sprinkler system in 495 S. Grand Central Parkway, Suite #116. The permit was finalized 09/01/09.
08/14/09	A building permit (B-EMIN-145517) was issued for lighting in conjunction with a tenant improvement remodel of 495 S. Grand Central Parkway, Suite #116. The permit was finalized 08/28/09.
08/17/09	A building permit (#145663) was issued for a single-faced electrical sign at 495 S. Grand Central Parkway, Suite #116. The permit has not yet been finalized.
09/02/09	Application was made for a business license (R09-91339) for a Restaurant with 45+ seating at 495 S. Grand Central Parkway, Suite #116. The license has not yet been issued as of 10/13/09.
<i>Pre-Application Meeting</i>	
08/14/09	Submittal requirements for a Special Use Permit were discussed, as well as the timeline for adoption of a text amendment to the Downtown Centennial Plan that would allow the Tavern use within Parkway Center.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
09/17/09	Staff observed an existing restaurant in operation at the site with outdoor dining facilities. Signage for the proposed restaurant is clearly displayed on the outside of the building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	8.61

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Trade Center/Wholesale Showrooms	MXU (Mixed Use)	PD (Planned Development)

North	Parking Garage and Surface Parking Lot	MXU (Mixed Use)	PD (Planned Development)
South	Surface Parking Lot	MXU (Mixed Use)	PD (Planned Development)
East	Major and Minor Medical	MXU (Mixed Use)	PD (Planned Development)
West	Trade Center/Wholesale Showrooms	MXU (Mixed Use)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
PD (Planned Development) District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Symphony Park	X		Y
Downtown Overlay District – Parkway Center	X		Y
A-O (Airport Overlay) District (175 Feet)	X		Y
Downtown Casino Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Development standards within the Parkway Center District are governed by the Downtown Centennial Plan. Section VII.E(3) of the Downtown Centennial Plan states that Title 19.10 parking and loading standards are not automatically applied. The addition of a Liquor Establishment (Tavern) use generates a similar parking requirement as a restaurant. Since the proposed Liquor Establishment (Tavern) use will be located within an existing restaurant, the addition of the use will not require additional spaces beyond what the restaurant requires.

Waivers		
Requirement	Request	Staff Recommendation
No Liquor Establishment (Tavern) use may be located within 1,500 feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than 12 children, or city park	To allow a Liquor Establishment (Tavern) use within 660 feet of another liquor establishment (tavern) and within 885 feet of an existing child care facility licensed for more than 12 children	Approval

ANALYSIS

The subject site is zoned PD (Planned Development) and is located within the Parkway Center District of the Downtown Centennial Plan. The Liquor Establishment (Tavern) use is permitted in the Parkway Center District with approval of a Special Use Permit. The Downtown Centennial Plan document refers to the minimum Special Use Permit requirements of Title 19 for tavern uses within Parkway Center.

The proposed use is compatible with uses surrounding the site, which include a trade center, medical uses and parking. The requested distance separation waivers are supported by staff, since the existing tavern and child care center uses are located on the west side of the I-15 freeway, which serves as a natural barrier between the proposed use and the protected uses. The applicant obtained building permits to expand the existing restaurant in the subject suite, which will bring the total floor area to 5,701 square feet, not including the outdoor seating area (820 square feet). These permits have received final inspections. The Liquor Establishment (Tavern) use would be added to the rear of the restaurant, which includes 122 indoor dining seats, 18 bar seats and 48 outdoor seats.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Liquor Establishment (Tavern) use can be conducted in a harmonious and compatible manner with the existing and future development within the surrounding area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site can easily accommodate a Liquor Establishment (Tavern) land use. The addition of this use will not affect the parking requirement for the existing restaurant.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Bonneville Avenue provides access to the site. The segment of this street adjacent to the site is designated as a 100-foot wide Primary Arterial by the Master Plan of Streets and Highways and is adequate to meet any demand generated by the proposed Liquor Establishment (Tavern) use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposal is consistent with the objectives of the General Plan and the Downtown Centennial Plan and will not compromise the public health, safety, and welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The Downtown Centennial Plan refers to Title 19.04 for applicable conditions of the Liquor Establishment (Tavern) use in the Parkway Center District. A waiver of the distance separation requirement from an existing child care center and another Liquor Establishment (Tavern) use is allowed by Title 19 and supported by staff. The proposed use meets all other conditions per Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1. The applicant did not agree.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

27

NOTICES MAILED

79 by City Clerk

APPROVALS

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PROTESTS

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